HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.16153 of 1996

Date: 20.2.2006

Between:

P. Mastan Vali, S/o P. Khaja Mohiuddin

.... Petitioner

And

The Managing Director, APSRTC, Musheerabad,
Hyderabad and another

.... Respondents

ORDER:

This writ petition has been instituted questioning the order passed by the second respondent on 4.8.1994 declining to absorb the writ petitioner into the services of the respondent Corporation.

The writ petitioner alleges that he worked as a Coach Builder in the vehicle bearing No.AEE 315, which was plied on the route between Kondepi to Machavaram from October 1979 to February 1987. He also asserts that he worked as a Coach Builder in another vehicle bearing No.AEE-1234 plied on the route between Podili to Gudladona via Kondepi, Kavali till the nationalization of the said route in 1987. The writ petitioner has approached this Court earlier by instituting W.P.No.4556 of 1989 and a learned Single Judge of this Court has disposed of the said case with a direction to the respondents to consider the candidature of the writ petitioner for absorption in the quota meant for absorption of the displaced persons, duly taking into account his seniority. As a matter of implementation of the aforesaid

judgment, the Divisional Manager, APSRTC, Ongole had reconsidered the entire matter and pointed out that in terms of Circular No.139 of 1987 dated 10.11.1987 of the Corporation, only two vacancies of Coach Builders were earmarked for absorption of displaced persons and that a notification to that effect has been got published inviting applications from the displaced persons on 22.2.1988 and that in response to the said notification, four individuals viz., Sk. Iqbal, D. Venkataiah, N. Gurrappa, and Sd. Mohinddin have applied and that the Departmental Selection Committee has also conducted the preliminary screening and found that the above four individuals are genuine Coach Builders, who were displaced and based upon their performance at the trade test conducted for selecting the best two candidates, two of them came up for selection and the writ petitioner has neither applied nor did he get selected for absorption. Consequently, the claim of the writ petitioner for absorption has been rejected.

Counter affidavit has also been filed in this case asserting these very facts and it has been pointed out that two persons, were selected in the selection process and two were left out though they were identified as genuine persons, are seniors to the writ petitioner as well, and hence, the question of absorbing the writ petitioner into the services of the respondent Corporation against the quota meant for absorption of displaced persons does not arise.

The Corporation is at liberty to evolve an appropriate and fair procedure for the purpose of regulating the issue of absorption of displaced personnel into its service. They are also entitled to take into consideration the performance of the candidates at the trade test conducted by the Corporation, so as to pick up the best

amongst the applicants. If the writ petitioner has neither applied for nor did he participate in the selection process, it is no longer open to him to turn round and question the action of the respondents in rejecting his candidature. Admittedly, the Corporation has notified only two vacancies of Coach Builders, that question was not subject matter of challenge in this Court. Therefore, when the Corporation has notified those two vacancies and more number of candidates have responded to it, the Corporation has conducted the necessary trade test to filter and select the best amongst them. I, therefore, do not find any merit or validity in any of the contentions canvassed on behalf of the petitioner. This apart, notwithstanding the assertions found in the counter affidavit, the writ petitioner has not moved in the matter by appropriately modifying the relief and did not mount any challenge to the selection and appointment of the two Coach Builders. In their absence, it will not be proper for this Court to interfere with their selection or their appointments. The Corporation could not be compelled to fill up any additional vacancies of Coach Builders at the instance of the writ petitioner. For this reason also, the writ petition lacks merit, and hence, it is dismissed without costs.

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NOOTY RAMAMOHANA RAO, J

Date: 20th February 2007

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